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In re Application of:
Stephen Charles Dutka
U.S. Application No.: 10/822,972
Filing Date: April 14, 2004
Attorney's Docket No.: 410523
For: METHODS AND STRUCTURES FOR RAPID
CODE ACQUISITION IN SPREAD
SPECTRUM COMMUNICATIONS

DECISION

This decision is issued in response to counsel's "Request for Withdrawal as Attorney or Agent and Change of Correspondence Address" filed October 20, 2006 which is being treated as a Petition to Withdraw from Representation under 37 CFR 1.36. No petition fee is required.

DISCUSSION

The criteria for effecting a proper withdrawal of attorney are spelled out in Section 402.06 of the Manual of Patent Examining Procedure (M.P.E.P.) which reads, in part, as follows:

In the event that a notice of withdrawal is filed by an attorney or agent of record . . . appropriate procedure will be followed pertaining to the withdrawal. The **withdrawal is effective when approved** rather than when received.

To expedite the handling of requests for permission to withdraw as attorney or agent, under 37 CFR 1.36(b), Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of himself or herself and another. A withdrawal of another attorney or agent of record, without also withdrawing the attorney or agent signing the request is a revocation, not a withdrawal.

The Director of the United States Patents and Trademarks usually requires that there be at least 30 days between approval of withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is

so that the applicant will have sufficient time to obtain other representation or take other action. If a period has been set for reply and the period may be extended without a showing of cause pursuant to 37 CFR 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed.

Since all of the criteria delineated in Section 402.06 of the M.P.E.P. have been met, Petition to Withdraw from Representation under 37 CFR 1.36 is **GRANTED** and is effective as of the mail date of this decision.

All communications will be forwarded to:

Kutak Rock LLP
1801 California Street
Suite 3100
Denver, CO 80202

CONCLUSION

In view of the above discussion, counsel's Request for Withdrawal is **GRANTED**.

The application is being referred back to GAU 2611 for further processing.



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